

LATCHFORD, J., in a written judgment, said that, when the plaintiff assigned on the 10th November, 1920, the action became defective. It was not a personal action, but one founded on an alleged breach of contract.

By sec. 10 of the Bankruptcy Act, 1919, the assignment, being in proper form, vested in the trustee all the property of the assignor.

By sec. 2 (*dd*), "property" includes "things in action . . . and every description of property, whether real or personal, movable or immovable, legal or equitable, and whether situate in Canada or elsewhere; also obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, in, arising out of, or incident to property as above defined."

Under a similar provision and definition in the English Bankruptcy Act, it has been held that as a rule all the bankrupt's causes of action vest in the trustee. The exceptions are claims in respect of personal torts to the bankrupt and claims in respect of injuries to his reputation: *Yearly Practice*, 1920, p. 221.

The present action does not fall within the exceptions stated, and the order authorising Mr. Wade to proceed should be made: Rule 300 (*Supreme Court of Ontario*, 1913).

The time for appearance, or such other course as the defendants may be advised to take, should be extended from the 13th to the 20th December.

Costs in the cause.

LENNOX, J.

DECEMBER 11TH, 1920.

#### CHARTERED TRUST AND EXECUTOR CO. v. WYCOTT.

*Deed—Voluntary Conveyance of Grantor's whole Property—Action by Administrators of Estate of Grantor to Set aside—Evidence—Improvidence—Absence of Independent Advice—Fraudulent Device to Protect Property from Incidence of Costs of Pending Litigation—Public Policy—Grantor not Entitled to Assistance of Court to Get back Property—Representatives and Heirs in no Better Position—Impossibility of Setting aside for Improvidence.*

Action by the administrators of the estate of Emma Wycott, deceased, to set aside a deed of lands in the town of Picton and in the township of Hallowell, made by the deceased, a spinster, to her sister-in-law, Ethelwyn Wycott, one of the defendants.